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November 10, 2023

Hon. Carol Bagley Amon
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, N.Y. 11201

Re: *Long v. MTN Group Ltd.*, No. 1:23-cv-5705 (E.D.N.Y.) (CBA) (MMH)

Dear Judge Amon:

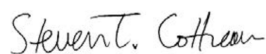
We represent defendants Huawei Technologies USA Inc., Huawei Device USA Inc., and Futurewei Technologies, Inc. (“Huawei U.S. Defendants”) in the above captioned case, and hereby file this pre-motion letter. This is the third case based upon similar allegations. The Court previously dismissed the prior two cases against the Huawei U.S. Defendants.

Plaintiffs, Defendants ZTE (TX) US and ZTE (USA) Inc., and the Huawei U.S. Defendants have agreed and stipulated that this Court should dismiss the pending *Long* Complaint for the reasons the Court dismissed the two related cases: *David Lau, et al. v. ZTE Corp., et al.*, Case No. 22-cv-1855 (E.D.N.Y.) (“*Lau* action”) and *Stephanie Zobay, et al. v. MTN Group Ltd., et al.*, Case No. 21-cv-3503 (E.D.N.Y.) (“*Zobay* action”). The Huawei U.S. Defendants, Defendants ZTE (TX) US and ZTE (USA) Inc., and Plaintiffs recently filed a stipulation and proposed order (ECF No. 11) that would do so.

Because the deadline for submitting a pre-motion letter seeking to file a Rule 12 motion is today, the Huawei U.S. Defendants file this letter merely to preserve their rights should this Court decide not to enter the stipulation and order to dispose of this case. In that case, the Huawei U.S. Defendants respectfully request permission under this Court’s Individual Rule 3.A. to file a motion to dismiss for all of the arguments stated in the Huawei U.S. Defendants’ motions to dismiss in the *Zobay* and *Lau* actions, including, but not limited to, lack of personal jurisdiction under 12(b)(2) and failure to state a claim under 12(b)(6).

We are grateful for the Court’s consideration and attention to this matter.

Respectfully submitted,



Steven T. Cottreau